



General Assembly

January Session, 2011

Raised Bill No. 1053

LCO No. 3793

03793_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING THE CONNECTICUT UNIFORM ADULT
PROTECTIVE PROCEEDINGS JURISDICTION ACT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2011*) Sections 1 to 23,
2 inclusive, of this act may be cited as the "Connecticut Uniform Adult
3 Protective Proceedings Jurisdiction Act".

4 Sec. 2. (NEW) (*Effective October 1, 2011*) As used in sections 1 to 23,
5 inclusive, of this act:

6 (1) "Adult" means an individual who is at least eighteen years of
7 age.

8 (2) "Conservator of the estate" means (A) a conservator of the estate,
9 as defined in section 45a-644 of the general statutes, as amended by
10 this act, or (B) a person, except a hospital or nursing home facility,
11 appointed by a court outside of this state to manage the property of an
12 adult.

13 (3) "Conservator of the person" means (A) a conservator of the
14 person, as defined in section 45a-644 of the general statutes, as

15 amended by this act, or (B) a person, except a hospital or nursing home
16 facility, appointed by a court outside of this state to make decisions
17 regarding the person of an adult.

18 (4) "Conservator of the person order" means (A) an order appointing
19 a conservator of the person pursuant to part IV of chapter 802h of the
20 general statutes, or (B) an order by a court outside of this state
21 appointing a conservator of the person.

22 (5) "Conservator of the person proceeding" means (A) a judicial
23 proceeding held pursuant to part IV of chapter 802h of the general
24 statutes in which an order for the appointment of a conservator of the
25 person is sought or has been issued, or (B) a judicial proceeding held
26 outside of this state in which an order for the appointment of a
27 conservator of the person is sought or has been issued.

28 (6) "Involuntary representation" means involuntary representation,
29 as defined in section 45a-644 of the general statutes, as amended by
30 this act.

31 (7) "Party" means the respondent, petitioner, conservator of the
32 person, conservator of the estate or any other person allowed by a
33 court to participate in a conservator of the person proceeding or a
34 conservator of the estate proceeding.

35 (8) "Person", except as used in the term "conserved person", means
36 an individual, corporation, business trust, estate, trust, partnership,
37 limited liability company, association, joint venture, public
38 corporation, government or governmental subdivision, agency or
39 instrumentality, or any other legal or commercial entity.

40 (9) "Conserved person" means a conserved person, as defined in
41 section 45a-644 of the general statutes, as amended by this act, or an
42 adult for whom a conservator of the person or conservator of the estate
43 has been appointed in a judicial proceeding outside of this state.

44 (10) "Conservator of the estate order" means (A) an order appointing

45 a conservator of the estate pursuant to part IV of chapter 802h of the
46 general statutes, (B) an order by a court outside of this state appointing
47 a conservator of the estate, or (C) any other order by a court related to
48 the management of the property of an adult.

49 (11) "Conservator of the estate proceeding" means (A) a judicial
50 proceeding held pursuant to part IV of chapter 802h of the general
51 statutes, or (B) a judicial proceeding held outside of this state in which
52 a conservator of the estate order is sought or has been issued.

53 (12) "Record" means information that is inscribed on a tangible
54 medium or that is stored in an electronic or other medium and is
55 retrievable in perceivable form.

56 (13) "Respondent" means a respondent, as defined in section 45a-644
57 of the general statutes, as amended by this act, or an adult for whom a
58 conservator of the estate order or the appointment of a conservator of
59 the person is sought outside of this state.

60 (14) "State" means a state of the United States, the District of
61 Columbia, Puerto Rico, the United States Virgin Islands, a federally
62 recognized Indian tribe or any territory or insular possession subject to
63 the jurisdiction of the United States.

64 Sec. 3. (NEW) (*Effective October 1, 2011*) (a) Sections 1 to 23, inclusive,
65 of this act and sections 45a-644 of the general statutes, as amended by
66 this act, 45a-648 of the general statutes, as amended by this act, and
67 45a-649 of the general statutes, as amended by this act, apply to
68 conservator of the person proceedings and conservator of the estate
69 proceedings begun on or after October 1, 2011.

70 (b) Sections 1 to 7, inclusive, of this act and sections 17 to 23,
71 inclusive, of this act apply to conservator of the person proceedings
72 and conservator of the estate proceedings begun before October 1,
73 2011, regardless of whether a conservator of the person order or
74 conservator of the estate order has been issued.

75 Sec. 4. (NEW) (*Effective October 1, 2011*) A court of probate may treat
76 a foreign country as if it were a state for the purpose of applying
77 sections 1 to 18, inclusive, of this act and sections 22 and 23 of this act.

78 Sec. 5. (NEW) (*Effective October 1, 2011*) (a) A court of probate may
79 communicate with a court in another state concerning a proceeding
80 arising under sections 1 to 23, inclusive, of this act or part IV of chapter
81 802h of the general statutes. The court of probate shall allow the
82 parties to participate in the communication.

83 (b) The court of probate shall make an audio recording of the
84 communication.

85 (c) (1) The court of probate shall grant the parties access to the audio
86 recording of the communication.

87 (2) The court of probate shall grant the parties the opportunity to
88 present facts and legal arguments before issuing a decision on
89 jurisdiction.

90 (d) Notwithstanding the provisions of subsections (a) and (b) of this
91 section, courts of probate may communicate concerning schedules,
92 calendars, court records and other administrative matters without
93 making a record or allowing the parties to participate in the
94 communication.

95 Sec. 6. (NEW) (*Effective October 1, 2011*) (a) In a proceeding for
96 involuntary representation in this state, a court of probate may request,
97 to the extent permitted or required by the laws of this state, the
98 appropriate court of another state to do any of the following:

99 (1) Hold an evidentiary hearing;

100 (2) Order a person in that state to produce evidence or give
101 testimony pursuant to the procedures of that state;

102 (3) Order that an evaluation or assessment be made of the

103 respondent, subject to the provisions of section 45a-132a of the general
104 statutes;

105 (4) Order any appropriate investigation of a person involved in a
106 proceeding;

107 (5) Forward to the Court of Probate a certified copy of the transcript
108 or other record of a hearing under subdivision (1) of this subsection, or
109 any other proceeding, any evidence otherwise produced under
110 subdivision (2) of this subsection, and any evaluation or assessment
111 prepared in compliance with an order issued under subdivision (3) or
112 (4) of this subsection;

113 (6) Issue an order necessary to assure the appearance in the
114 proceeding of a person whose presence is necessary for the court to
115 make a determination, including the respondent or conserved person,
116 subject to the provisions of subsection (e) of section 45a-649 of the
117 general statutes, as amended by this act, subsection (e) of section 45a-
118 650 of the general statutes or subsection (g) of section 45a-656b of the
119 general statutes; or

120 (7) Issue an order authorizing the release of medical, financial,
121 criminal or other relevant information in that state, including protected
122 health information as defined in 45 CFR 160.103, as amended from
123 time to time, subject to the provisions of subsection (g) of section 45a-
124 649a of the general statutes.

125 (b) If a court of another state in which a conservator of the person
126 proceeding or conservator of the estate proceeding is pending requests
127 assistance of the kind provided in subsection (a) of this section, a court
128 of probate has jurisdiction for the limited purpose of granting the
129 request or making reasonable efforts to comply with the request,
130 subject to the laws of this state.

131 Sec. 7. (NEW) (*Effective October 1, 2011*) (a) In a proceeding for
132 involuntary representation in this state, in addition to other

133 procedures that may be available, testimony of a witness who is
134 located in another state may be offered by deposition or other means
135 allowable in this state for testimony taken in another state. A court of
136 probate on its own motion may order that the testimony of a witness
137 be taken in another state and may prescribe the manner in which and
138 the terms upon which the testimony is to be taken.

139 (b) In a proceeding for involuntary representation in this state, a
140 court of probate may permit a witness located in another state to be
141 deposed or to testify by telephone or audiovisual or other electronic
142 means. A court of probate shall cooperate with the court of the other
143 state in designating an appropriate location for the deposition or
144 testimony.

145 (c) Documentary evidence transmitted from another state to a court
146 of probate by technological means that does not produce an original
147 writing may not be excluded from evidence on an objection based on
148 the best evidence rule.

149 Sec. 8. (NEW) (*Effective October 1, 2011*) (a) As used in this section
150 and sections 9 to 16, inclusive, of this act:

151 (1) "Emergency" means a circumstance that will result in immediate
152 and irreparable harm to the mental or physical health or financial or
153 legal affairs of the respondent and includes a circumstance in which a
154 temporary conservator of the person or temporary conservator of the
155 estate may be appointed and may serve under subsection (a) of section
156 45a-654 of the general statutes;

157 (2) "Home state" means the state in which the respondent was
158 physically present, including any period of temporary absence, for at
159 least six consecutive months immediately before the filing of a petition
160 for a conservator of the estate order or the appointment of a
161 conservator of the person, or, if none, the state in which the respondent
162 was physically present, including any period of temporary absence, for
163 at least six consecutive months ending within the six months prior to

164 the filing of the petition;

165 (3) "Significant-connection state" means a state, other than the home
166 state, with which a respondent has a significant connection other than
167 mere physical presence and in which substantial evidence concerning
168 the respondent is available.

169 (b) In determining under section 10 of this act and subsection (e) of
170 section 17 of this act whether a respondent has a significant connection
171 with a particular state, the court shall consider:

172 (1) The location of the respondent's family and other persons
173 required to be notified of the conservator of the person proceeding or
174 conservator of the estate proceeding;

175 (2) The length of time the respondent at any time was physically
176 present in the state and the duration of any absence;

177 (3) The location of the respondent's property; and

178 (4) The extent to which the respondent has ties to the state such as
179 voter registration, state or local tax return filing, vehicle registration,
180 driver's license, social relationship and receipt of services.

181 Sec. 9. (NEW) (*Effective October 1, 2011*) A proceeding for
182 involuntary representation in this state shall be subject to the
183 provisions of part IV of chapter 802h of the general statutes, except that
184 jurisdiction shall be determined in accordance with sections 8 to 16,
185 inclusive, of this act.

186 Sec. 10. (NEW) (*Effective October 1, 2011*) A court of probate in this
187 state has jurisdiction to appoint a conservator of the person or
188 conservator of the estate for a respondent pursuant to part IV of
189 chapter 802h of the general statutes if:

190 (1) This state is the respondent's home state;

191 (2) On the date a petition for involuntary representation is filed, this

192 state is a significant-connection state, and:

193 (A) The respondent does not have a home state or a court of the
194 respondent's home state has declined to exercise jurisdiction because
195 this state is a more appropriate forum; or

196 (B) The respondent has a home state, a petition for an appointment
197 or order is not pending in a court of that state or another significant-
198 connection state, and, before the court makes the appointment or
199 issues the order:

200 (i) A petition for an appointment or order is not filed in the
201 respondent's home state;

202 (ii) An objection to the court's jurisdiction is not filed by a person
203 required to be notified of the proceeding; and

204 (iii) The Court of Probate concludes that it is an appropriate forum
205 under the factors set forth in subsection (c) of section 13 of this act;

206 (3) A court of probate in this state does not have jurisdiction under
207 subdivision (1) or (2) of this subsection, the respondent's home state
208 and all significant-connection states have declined to exercise
209 jurisdiction because this state is the more appropriate forum, and
210 jurisdiction in this state is consistent with the statutes of this state and
211 the Constitution of this state and the Constitution of the United States;
212 or

213 (4) The requirements for special jurisdiction under section 11 of this
214 act are met.

215 Sec. 11. (NEW) (*Effective October 1, 2011*) (a) A court of probate
216 lacking jurisdiction under section 10 of this act has special jurisdiction
217 to do any of the following if the court of probate makes the necessary
218 findings required under section 45a-654 of the general statutes:

219 (1) Appoint a temporary conservator of the person or a temporary

220 conservator of the estate in an emergency pursuant to subsection (a) of
221 section 45a-654 of the general statutes for a term not exceeding sixty
222 days for a respondent who is physically present in this state; or

223 (2) Appoint a temporary conservator of the person or a temporary
224 conservator of the estate for a conserved person for whom a
225 provisional order to transfer the proceeding from another state has
226 been issued under procedures similar to those in section 17 of this act.

227 (b) If an application for the appointment of a temporary conservator
228 of the person or a temporary conservator of the estate in an emergency
229 is brought in this state and this state was not the respondent's home
230 state on the date the application was filed, the court shall dismiss the
231 proceeding at the request of the court of the home state, if any,
232 whether dismissal is requested before or after the emergency
233 appointment. A respondent or temporarily conserved person shall,
234 upon written or oral request, have a hearing before the court of
235 probate that conforms to the hearing requirements under section 45a-
236 654 of the general statutes, as amended by this act.

237 Sec. 12. (NEW) (*Effective October 1, 2011*) Except as otherwise
238 provided in section 11 of this act, a court that has appointed a
239 conservator of the person or issued a conservator of the estate order
240 consistent with the requirements of sections 1 to 23, inclusive, of this
241 act and part IV of chapter 802h of the general statutes has exclusive
242 and continuing jurisdiction over the proceeding until it is terminated
243 by the court or the appointment or order expires by its own terms.

244 Sec. 13. (NEW) (*Effective October 1, 2011*) (a) A court of probate
245 having jurisdiction under section 10 of this act to appoint a conservator
246 of the person or to issue a conservator of the estate order may decline
247 to exercise its jurisdiction if it determines at any time that a court of
248 another state is a more appropriate forum.

249 (b) If a court of probate declines to exercise its jurisdiction under
250 subsection (a) of this section, the court of probate shall either dismiss

251 the proceeding or stay the proceeding for not more than ninety days to
252 allow for a petition to be filed in a more appropriate forum that has
253 jurisdiction to appoint a conservator of the person or issue a
254 conservator of the estate order.

255 (c) In determining whether it is an appropriate forum, the Court of
256 Probate shall consider all relevant factors, including:

257 (1) Any expressed preference of the respondent;

258 (2) Whether abuse, neglect or exploitation of the respondent has
259 occurred or is likely to occur and which state could best protect the
260 respondent from the abuse, neglect or exploitation;

261 (3) The length of time the respondent was physically present in or
262 was a legal resident of this or another state;

263 (4) The distance of the respondent from the court in each state;

264 (5) The financial circumstances of the respondent's estate;

265 (6) The nature and location of the evidence;

266 (7) The ability of the court in each state to decide the issue in
267 accordance with due process of law and without undue delay;

268 (8) The procedures necessary to present evidence;

269 (9) The familiarity of the court of each state with the facts and issues
270 in the proceeding; and

271 (10) If an appointment were made, the court's ability to monitor the
272 conduct of the conservator of the person or conservator of the estate
273 within this state and outside of this state, if applicable.

274 (d) The court shall make specific written findings as to the basis for
275 its determination of appropriate forum.

276 Sec. 14. (NEW) (*Effective October 1, 2011*) (a) If at any time a court of

277 probate determines that it acquired jurisdiction to appoint a
278 conservator of the person or issue a conservator of the estate order
279 because of unjustifiable conduct of a party, the court shall:

280 (1) Decline to exercise jurisdiction and dismiss the case if the court
281 has not entered an order in the case; or

282 (2) Rescind any order issued in the case and dismiss the case, except
283 that, prior to dismissing the case, the court may exercise limited
284 jurisdiction for not more than ninety days for the limited purpose of
285 fashioning an appropriate remedy to avoid immediate and irreparable
286 harm to the mental or physical health or financial or legal affairs of the
287 person for whom a conservator of the person was appointed or who
288 was subject to the conservator of the estate order to prevent a
289 repetition of the unjustifiable conduct.

290 (b) A court of probate that determines it has acquired or maintained
291 jurisdiction because a party seeking or having sought to invoke its
292 jurisdiction engaged in unjustifiable conduct may assess against that
293 party necessary and reasonable expenses, including attorney's fees,
294 investigative fees, court costs, communication expenses, medical
295 examination expenses, witness fees and expenses, and travel expenses.
296 The court may not assess fees, costs or expenses of any kind against
297 this state or a governmental subdivision, agency or instrumentality of
298 this state unless authorized by law other than sections 1 to 23,
299 inclusive, of this act.

300 Sec. 15. (NEW) (*Effective October 1, 2011*) If a petition for involuntary
301 representation is brought in this state and this state was not the
302 respondent's home state on the date the petition was filed, in addition
303 to complying with the notice requirements of section 45a-649 of the
304 general statutes, as amended by this act, notice of the petition shall be
305 given to those persons who would be entitled to notice of the petition
306 if a proceeding were brought in the respondent's home state. The
307 notice shall be given in the same manner as notice is required to be
308 given under section 45a-649 of the general statutes, as amended by this

309 act.

310 Sec. 16. (NEW) (*Effective October 1, 2011*) Except for a petition for the
311 appointment of a temporary conservator of the person or a temporary
312 conservator of the estate in an emergency under subdivision (1) of
313 subsection (a) of section 11 of this act, if a petition for involuntary
314 representation is filed in this state and a petition for appointment of a
315 conservator of the person or issuance of a conservator of the estate
316 order is filed in another state and neither petition has been dismissed
317 or withdrawn, the following rules apply:

318 (1) If the Court of Probate has jurisdiction under section 10 of this
319 act, it may proceed with the case unless a court in another state
320 acquires jurisdiction under provisions similar to those in section 10 of
321 this act before the appointment or issuance of the order.

322 (2) If the Court of Probate does not have jurisdiction under
323 subdivision (1) or (2) of section 10 of this act, whether at the time the
324 petition is filed or at any time before the appointment or issuance of
325 the order, the court shall stay the proceeding and communicate with
326 the court in the other state. If the court in the other state has
327 jurisdiction, the Court of Probate shall dismiss the petition unless the
328 court in the other state determines that the Court of Probate is a more
329 appropriate forum and jurisdiction in this state is consistent with the
330 statutes of this state and the Constitutions of this state and the United
331 States.

332 Sec. 17. (NEW) (*Effective October 1, 2011*) (a) Except for an individual
333 under voluntary representation as provided in section 45a-647 of the
334 general statutes, a conserved person, a conserved person's attorney,
335 conservator of the person, or conservator of the estate appointed in this
336 state or any person who has received notice pursuant to subdivision
337 (2) of subsection (a) of section 45a-649 of the general statutes, as
338 amended by this act, may petition a court of probate to transfer the
339 conservatorship of the person or the conservatorship of the estate, or
340 both, to another state.

341 (b) Notice of a petition under subsection (a) of this section shall be
342 given to the persons that would be entitled to notice of a petition in
343 this state for the appointment of a conservator of the person or
344 conservator of the estate, or both.

345 (c) On the court's own motion or on request of the conservator of the
346 person or conservator of the estate, the conserved person, the
347 conserved person's attorney or other person required to be notified of
348 the petition, the court of probate shall hold a hearing on a petition filed
349 pursuant to subsection (a) of this section.

350 (d) The court of probate shall issue a provisional order granting a
351 petition to transfer a conservatorship of the person and shall direct the
352 conservator of the person to petition for conservatorship of the person
353 in the other state if the court of probate is satisfied that the
354 conservatorship of the person will be granted by the court in the other
355 state and the court finds that:

356 (1) The conserved person is physically present in or is reasonably
357 expected to move permanently to the other state;

358 (2) An objection to the transfer has not been made or, if an objection
359 has been made, the objector has not established that the transfer would
360 be contrary to the interests of the conserved person, including the
361 reasonable and informed expressed preferences of the conserved
362 person;

363 (3) Plans for care and services for the conserved person in the other
364 state are reasonable and sufficient, have been made after allowing the
365 conserved person the opportunity to participate meaningfully in
366 decision making in accordance with the conserved person's abilities,
367 and include assisting the conserved person in removing obstacles to
368 independence, assisting the conserved person in achieving self-
369 reliance, ascertaining the conserved person's views, making decisions
370 in conformance with the reasonable and informed expressed
371 preferences of the conserved person, and making all reasonable efforts

372 to make decisions in conformance with the conserved person's
373 expressed health care preferences, including health care instructions
374 and other wishes, if any, described in any validly executed health care
375 instructions or otherwise; and

376 (4) If the transfer involves the termination of a tenancy or lease of a
377 conserved person, the sale or disposal of any real property or
378 household furnishings of the conserved person, a change in the
379 conserved person's residence or the placement of the conserved person
380 in an institution for long-term care, as defined in section 45a-656b of
381 the general statutes, the court of probate shall ensure that the
382 requirements in section 45a-656b of the general statutes have been met
383 before approving the transfer.

384 (e) The court of probate shall issue a provisional order granting a
385 petition to transfer a conservatorship of the estate and shall direct the
386 conservator of the estate to petition for conservatorship of the estate in
387 the other state if the court of probate is satisfied that the
388 conservatorship of the estate will be accepted by the court of the other
389 state and the court finds that:

390 (1) The conserved person is physically present in or is reasonably
391 expected to move permanently to the other state, or the conserved
392 person has a significant connection to the other state considering the
393 factors set forth in subsection (b) of section 8 of this act;

394 (2) An objection to the transfer has not been made or, if an objection
395 has been made, the objector has not established that the transfer would
396 be contrary to the interests of the conserved person, including the
397 reasonable and informed expressed preferences of the conserved
398 person;

399 (3) Adequate arrangements will be made for management of the
400 conserved person's property, and that such arrangements will be made
401 in accordance with subsection (a) of section 45a-655 of the general
402 statutes; and

403 (4) The transfer is made in accordance with section 45a-656b of the
404 general statutes.

405 (f) The court of probate shall issue a final order confirming the
406 transfer and terminating the conservatorship of the person or
407 conservatorship of the estate on its receipt of:

408 (1) A provisional order accepting the proceeding from the court to
409 which the proceeding is to be transferred which is issued under
410 provisions similar to those in section 18 of this act; and

411 (2) The documents required to terminate a conservatorship of the
412 person or conservatorship of the estate in this state.

413 Sec. 18. (NEW) (*Effective October 1, 2011*) (a) To confirm the transfer
414 of a conservatorship of the person or a conservatorship of the estate
415 transferred to this state under provisions similar to those in section 17
416 of this act, the conservator of the person or conservator of the estate
417 shall petition the Court of Probate to accept the conservatorship of the
418 person or conservatorship of the estate. The petition shall include a
419 certified copy of the other state's provisional order of transfer.

420 (b) Notice of a petition under subsection (a) of this section shall be
421 given to those persons that would be entitled to notice if the petition
422 were a petition for the appointment of a conservator of the person or
423 issuance of a conservator of the estate order in both the transferring
424 state and this state. The notice shall be given in the same manner as
425 notice is required to be given under section 45a-649 of the general
426 statutes, as amended by this act.

427 (c) On the court's own motion or on request of the conservator of the
428 person, conservator of the estate, conserved person or other person
429 required to be notified of the proceeding, the court of probate shall
430 hold a hearing on a petition filed pursuant to subsection (a) of this
431 section.

432 (d) The court of probate shall issue a provisional order granting a

433 petition filed under subsection (a) of this section unless:

434 (1) An objection is made and the objector establishes that transfer of
435 the proceeding would be contrary to the interests of the conserved
436 person, including the reasonable and informed expressed preferences
437 of the conserved person; or

438 (2) The conservator of the person or conservator of the estate is
439 ineligible for appointment as a conservator of the person or
440 conservator of the estate in this state.

441 (e) The court of probate shall issue a final order accepting the
442 proceeding and appointing the conservator of the person or
443 conservator of the estate as conservator of the person or conservator of
444 the estate in this state on its receipt from the court from which the
445 proceeding is being transferred of a final order issued under
446 provisions similar to those in section 17 of this act transferring the
447 proceeding to this state.

448 (f) Not later than thirty days before the issuance of a final order
449 accepting the transfer of a conservatorship of the person or
450 conservatorship of the estate to this state, the court of probate shall
451 ensure that (1) the conserved person is represented by counsel in
452 accordance with the provisions of section 45a-649a of the general
453 statutes, and (2) such person receives notice of his or her rights under
454 the laws of this state with respect to such transfer.

455 (g) Not later than ninety days after the issuance of a final order
456 accepting transfer of a conservatorship of the person or
457 conservatorship of the estate to this state, the court of probate shall
458 determine whether the conservatorship of the person or
459 conservatorship of the estate needs to be modified to conform to the
460 laws of this state, and, if so, the court of probate shall order such
461 modifications.

462 (h) In granting a petition under this section, the court of probate

463 shall recognize a conservatorship of the person order or
464 conservatorship of the estate order from the other state, including the
465 determination of the conserved person's incapacity and the
466 appointment of the conservator of the person or conservator of the
467 estate.

468 (i) The denial by a court of probate of a petition to accept a
469 conservatorship of the person or conservatorship of the estate
470 transferred from another state does not affect the ability of the
471 conservator of the person or conservator of the estate to seek
472 involuntary representation under section 45a-648 of the general
473 statutes, as amended by this act, if the court has jurisdiction to grant
474 the involuntary representation other than by reason of the provisional
475 order of transfer.

476 (j) The granting by a court of probate of a petition to accept a
477 conservatorship of the person or conservatorship of the estate
478 transferred from another state shall:

479 (1) Grant to the conserved person the same rights as if such person
480 had originally had a conservator of the person or conservator of the
481 estate appointed under part IV of chapter 802h of the general statutes,
482 including, but not limited to, the right to review and termination of
483 appointment of a conservator under section 45a-660 of the general
484 statutes; and

485 (2) Impose upon the conservator of the person or conservator of the
486 estate the same responsibilities and duties imposed upon a conservator
487 of the person or conservator of the estate under the laws of this state.

488 Sec. 19. (NEW) (*Effective October 1, 2011*) (a) If a conservator of the
489 person has been appointed in another state and a petition for the
490 appointment of a conservator of the person is not pending in this state,
491 the conservator of the person appointed in the other state, after giving
492 notice to the appointing court of an intent to register the conservator of
493 the person order in this state, may register the conservator of the

494 person order in this state as a conservatorship of the person by filing,
495 as a foreign judgment, certified copies of the order and letters of office
496 in the court of probate in the district in which the conserved person
497 resides, is domiciled or is located at the time of the filing of the
498 certified copies.

499 (b) Each court of probate shall maintain a registry, accessible by the
500 public, of conservator of the person orders registered under subsection
501 (a) of this section.

502 Sec. 20. (NEW) (*Effective October 1, 2011*) (a) If a conservator of the
503 estate has been appointed in another state and a petition for the
504 appointment of a conservator of the estate is not pending in this state,
505 the conservator of the estate appointed in the other state, after giving
506 notice to the appointing court of an intent to register the conservator of
507 the estate order in this state, may (1) register the conservator of the
508 estate order in this state as a conservator of the estate order by filing, as
509 a foreign judgment, certified copies of the order and letters of office
510 and of any bond in the court of probate in the district in which the
511 conserved person resides, is domiciled or is located at the time of the
512 filing of the certified copies, and (2) file certified copies for recordation
513 on the land records in a town in which real property belonging to the
514 conserved person is located.

515 (b) Each court of probate shall maintain a registry, accessible by the
516 public, of conservator of the estate orders registered under subsection
517 (a) of this section.

518 Sec. 21. (NEW) (*Effective October 1, 2011*) (a) On registration in this
519 state under section 19 of this act of a conservator of the person order
520 from another state or under section 20 of this act of a conservator of the
521 estate order from another state, the conservator may exercise in this
522 state all powers authorized in the order of appointment, except as
523 prohibited under the laws of this state, including maintaining actions
524 and proceedings in this state and, if the conservator is not a resident of
525 this state, subject to any conditions imposed on nonresident parties.

526 The registration of a conservator of the person order under section 19
527 of this act shall lapse one hundred twenty days after such registration,
528 except that the registration may be extended for good cause for an
529 additional one hundred twenty days by the court of probate in this
530 state having jurisdiction over the location within this state where the
531 person under the conservator of the person order resides, is domiciled
532 or is located.

533 (b) A court of probate or, to the extent it lacks jurisdiction, the
534 Superior Court may grant any relief available under sections 1 to 23,
535 inclusive, of this act, section 45a-644 of the general statutes, as
536 amended by this act, section 45a-648 of the general statutes, as
537 amended by this act, and section 45a-649 of the general statutes, as
538 amended by this act, and other law of this state to enforce a registered
539 order.

540 Sec. 22. (NEW) (*Effective October 1, 2011*) In applying and construing
541 the provisions of sections 1 to 23, inclusive, of this act, section 45a-644
542 of the general statutes, as amended by this act, section 45a-648 of the
543 general statutes, as amended by this act, and section 45a-649 of the
544 general statutes, as amended by this act, consideration shall be given to
545 the need to promote uniformity of the law with respect to its subject
546 matter among states that enact such uniform provisions, consistent
547 with the need to protect individual civil rights and in accordance with
548 due process.

549 Sec. 23. (NEW) (*Effective October 1, 2011*) This section, sections 1 to
550 22, inclusive, of this act, section 45a-644 of the general statutes, as
551 amended by this act, section 45a-648 of the general statutes, as
552 amended by this act, and section 45a-649 of the general statutes, as
553 amended by this act, modify, limit and supersede the Electronic
554 Signatures in Global and National Commerce Act, 15 USC Section 7001
555 et seq., but do not modify, limit or supersede Section 101 of said act, 15
556 USC Section 7001(a), or authorize electronic delivery of any of the
557 notices described in Section 103 of said act, 15 USC Section 7003(b).

558 Sec. 24. Section 45a-644 of the general statutes is repealed and the
559 following is substituted in lieu thereof (*Effective October 1, 2011*):

560 For the purposes of sections 45a-644 to 45a-663, inclusive, as
561 amended by this act, the following terms shall have the following
562 meanings:

563 (a) "Conservator of the estate" means a person, a municipal or state
564 official, or a private profit or nonprofit corporation except a hospital or
565 nursing home facility, as defined in section 19a-521, appointed by the
566 Court of Probate under the provisions of sections 45a-644 to 45a-663,
567 inclusive, as amended by this act, to supervise the financial affairs of a
568 person found to be incapable of managing his or her own affairs or of a
569 person who voluntarily asks the Court of Probate for the appointment
570 of a conservator of the estate, and includes a temporary conservator of
571 the estate appointed under the provisions of section 45a-654.

572 (b) "Conservator of the person" means a person, a municipal or state
573 official, or a private profit or nonprofit corporation, except a hospital
574 or nursing home facility, as defined in section 19a-521, appointed by
575 the Court of Probate under the provisions of sections 45a-644 to 45a-
576 663, inclusive, as amended by this act, to supervise the personal affairs
577 of a person found to be incapable of caring for himself or herself or of a
578 person who voluntarily asks the Court of Probate for the appointment
579 of a conservator of the person, and includes a temporary conservator
580 of the person appointed under the provisions of section 45a-654.

581 (c) "Incapable of caring for one's self" or "incapable of caring for
582 himself or herself" means that a person has a mental, emotional or
583 physical condition that results in such person being unable to receive
584 and evaluate information or make or communicate decisions to such
585 an extent that the person is unable, even with appropriate assistance,
586 to meet essential requirements for personal needs.

587 (d) "Incapable of managing his or her affairs" means that a person
588 has a mental, emotional or physical condition that results in such

589 person being unable to receive and evaluate information or make or
590 communicate decisions to such an extent that the person is unable,
591 even with appropriate assistance, to perform the functions inherent in
592 managing his or her affairs, and the person has property that will be
593 wasted or dissipated unless adequate property management is
594 provided, or that funds are needed for the support, care or welfare of
595 the person or those entitled to be supported by the person and that the
596 person is unable to take the necessary steps to obtain or provide funds
597 needed for the support, care or welfare of the person or those entitled
598 to be supported by the person.

599 (e) "Involuntary representation" means the appointment of a
600 conservator of the person or a conservator of the estate, or both, after a
601 finding by the Court of Probate that the respondent is incapable of
602 managing his or her affairs or incapable of caring for himself or herself.

603 (f) "Respondent" means an adult person for whom an application for
604 involuntary representation has been filed or an adult person who has
605 requested voluntary representation.

606 (g) "Voluntary representation" means the appointment of a
607 conservator of the person or a conservator of the estate, or both, upon
608 request of the respondent, without a finding that the respondent is
609 incapable of managing his or her affairs or incapable of caring for
610 himself or herself.

611 (h) "Conserved person" means a person for whom involuntary
612 representation is granted under sections 45a-644 to 45a-663, inclusive,
613 as amended by this act.

614 (i) "Personal needs" means the needs of a person including, but not
615 limited to, the need for food, clothing, shelter, health care and safety.

616 (j) "Property management" means actions to (1) obtain, administer,
617 manage, protect and dispose of real and personal property, intangible
618 property, business property, benefits and income, and (2) deal with

619 financial affairs.

620 (k) "Least restrictive means of intervention" means intervention for a
621 conserved person that is sufficient to provide, within the resources
622 available to the conserved person either from the conserved person's
623 own estate or from private or public assistance, for a conserved
624 person's personal needs or property management while affording the
625 conserved person the greatest amount of independence and self-
626 determination.

627 Sec. 25. Section 45a-648 of the general statutes is repealed and the
628 following is substituted in lieu thereof (*Effective October 1, 2011*):

629 (a) An application for involuntary representation may be filed by
630 any person alleging that a respondent is incapable of managing his or
631 her affairs or incapable of caring for himself or herself and stating the
632 reasons for the alleged incapability. The application shall be filed in the
633 court of probate in the district in which the respondent resides, is
634 domiciled or is located at the time of the filing of the application.

635 (b) An application for involuntary representation for a
636 nondomiciliary of the state [made pursuant to subsection (a) of this
637 section shall not be granted unless the court finds the (1) respondent is
638 presently located in the probate district in which the application is
639 filed; (2) applicant has made reasonable efforts to provide notice to
640 individuals and applicable agencies listed in subsection (a) of section
641 45a-649 concerning the respondent; (3) respondent has been provided
642 an opportunity to return to the respondent's place of domicile, and has
643 been provided the financial means to return to the respondent's place
644 of domicile within the respondent's resources, and has declined to
645 return, or the applicant has made reasonable but unsuccessful efforts
646 to return the respondent to such respondent's place of domicile; and
647 (4) requirements of this chapter for the appointment of a conservator
648 pursuant to an application for involuntary representation have been
649 met] shall be made pursuant to the provisions of sections 8 to 16,
650 inclusive, of this act.

651 [(c) If, after the appointment of a conservator for a nondomiciliary of
652 the state the nondomiciliary becomes domiciled in this state, the
653 provisions of this section regarding involuntary representation of a
654 nondomiciliary shall no longer apply.

655 (d) The court shall review any involuntary representation of a
656 nondomiciliary ordered by the court pursuant to subsection (b) of this
657 section every sixty days. Such involuntary representation shall expire
658 sixty days after the date such involuntary representation was ordered
659 by the court or sixty days after the most recent review ordered by the
660 court, whichever is later, unless the court finds the (1) conserved
661 person is presently located in the state; (2) conservator has made
662 reasonable efforts to provide notice to individuals and applicable
663 agencies listed in subsection (a) of section 45a-649 concerning the
664 conserved person; (3) conserved person has been provided an
665 opportunity to return to the conserved person's place of domicile and
666 has been provided the financial means to return to the conserved
667 person's place of domicile within the conserved person's resources,
668 and has declined to return, or the conservator has made reasonable but
669 unsuccessful efforts to return the conserved person to the conserved
670 person's place of domicile; and (4) requirements of this chapter for the
671 appointment of a conservator pursuant to an application for
672 involuntary representation have been met. As part of its review under
673 this subsection, the court shall receive and consider reports from the
674 conservator and from the attorney for the conserved person regarding
675 the requirements of this subsection.]

676 [(e)] (c) A person is guilty of fraudulent or malicious application or
677 false testimony when such person (1) wilfully files a fraudulent or
678 malicious application for involuntary representation or appointment of
679 a temporary conservator, (2) conspires with another person to file or
680 cause to be filed such an application, or (3) wilfully testifies either in
681 court or by report to the court falsely to the incapacity of any person in
682 any proceeding provided for in sections 45a-644 to 45a-663, inclusive,
683 as amended by this act. Fraudulent or malicious application or false

684 testimony is a class D felony.

685 Sec. 26. Section 45a-649 of the general statutes is repealed and the
686 following is substituted in lieu thereof (*Effective October 1, 2011*):

687 (a) (1) Upon an application for involuntary representation, the court
688 shall issue a citation to the following enumerated parties to appear
689 before it at a time and place named in the citation, which shall be
690 served on the parties at least ten days before the hearing date, or in the
691 case of an application made pursuant to section 17a-543 or 17a-543a, at
692 least seven days before the hearing date, which date in any event shall
693 not be more than thirty days after the receipt of the application by the
694 Court of Probate unless continued for cause shown. Notice of the
695 hearing shall be sent within thirty days after receipt of the application.
696 In addition to such notice, (A) notice for a matter brought under
697 sections 8 to 16, inclusive, of this act shall be given in the manner
698 provided in section 15 of this act, and (B) notice for a matter brought
699 under section 17 of this act shall be given in the manner provided in
700 section 18 of this act.

701 (2) The court shall direct that personal service of the citation be
702 made, by a state marshal, constable or an indifferent person, upon the
703 following: The respondent and the respondent's spouse, if any, if the
704 spouse is not the applicant, except that in cases where the application
705 is for involuntary representation pursuant to section 17b-456, and there
706 is no spouse, the court shall order notice by certified mail to the
707 children of the respondent and if none, the parents of the respondent
708 and if none, the brothers and sisters of the respondent or their
709 representatives, and if none, the next of kin of such respondent.

710 (3) The court shall order such notice as it directs to the following:
711 (A) The applicant; (B) the person in charge of welfare in the town
712 where the respondent is domiciled or resident and, if there is no such
713 person, the first selectman or chief executive officer of the town if the
714 respondent is receiving assistance from the town; (C) the
715 Commissioner of Social Services, if the respondent is in a state-

716 operated institution or receiving aid, care or assistance from the state;
717 (D) the Commissioner of Veterans' Affairs if the respondent is
718 receiving veterans' benefits or the Veterans' Home, or both, if the
719 respondent is receiving aid or care from such home, or both; (E) the
720 Commissioner of Administrative Services, if the respondent is
721 receiving aid or care from the state; (F) the children of the respondent
722 and if none, the parents of the respondent and if none, the brothers
723 and sisters of the respondent or their representatives; (G) the person in
724 charge of the hospital, nursing home or some other institution, if the
725 respondent is in a hospital, nursing home or some other institution.

726 (4) The court, in its discretion, may order such notice as it directs to
727 other persons having an interest in the respondent and to such persons
728 the respondent requests be notified.

729 (5) If personal service of the notice required in subsection (b) of this
730 section is not made as required in subdivision (2) of this subsection,
731 the court shall be deprived of jurisdiction over the application.

732 (b) The notice required by subdivision (2) of subsection (a) of this
733 section shall specify (1) the nature of involuntary representation
734 sought and the legal consequences thereof, (2) the facts alleged in the
735 application, (3) the date, time and place of the hearing, and (4) that the
736 respondent has a right to be present at the hearing and has a right to be
737 represented by an attorney of the respondent's choice at the
738 respondent's own expense. The notice shall also include a statement in
739 boldface type of a minimum size of twelve points in substantially the
740 following form:

741 "POSSIBLE CONSEQUENCES OF THE APPOINTMENT OF A
742 CONSERVATOR FOR YOU

743 This court has received an application to appoint a conservator for
744 you. A conservator is a court-appointed legal guardian who may be
745 assigned important decision-making authority over your affairs. If the
746 application is granted and a conservator is appointed for you, you will

747 lose some of your rights.

748 A permanent conservator may only be appointed for you after a
749 court hearing. You have the right to attend the hearing on the
750 application for appointment of a permanent conservator. If you are not
751 able to access the court where the hearing will be held, you may
752 request that the hearing be moved to a convenient location, even to
753 your place of residence.

754 You should have an attorney represent you at the hearing on the
755 application. If you are unable to obtain an attorney to represent you at
756 the hearing, the court will appoint an attorney for you. If you are
757 unable to pay for representation by an attorney, the court will pay
758 attorney fees as permitted by the court's rules. Even if you qualify for
759 payment of an attorney on your behalf, you may choose an attorney if
760 the attorney will accept the attorney fees permitted by the court's rules.

761 If, after a hearing on the application, the court decides that you lack
762 the ability to care for yourself, pay your bills or otherwise manage
763 your affairs, the court may review any alternative plans you have to
764 get assistance to handle your own affairs that do not require
765 appointment of a conservator. If the court decides that there are no
766 adequate alternatives to the appointment of a conservator, the court
767 may appoint a conservator and assign the conservator responsibility
768 for some or all of the duties listed below. While the purpose of a
769 conservator is to help you, you should be aware that the appointment
770 of a conservator limits your rights. Among the areas that may be
771 affected are:

772 - Accessing and budgeting your money

773 - Deciding where you live

774 - Making medical decisions for you

775 - Paying your bills

776 - Managing your real and personal property

777 You may participate in the selection of your conservator. If you
778 have already designated a conservator or if you inform the court of
779 your choice for a conservator, the court must honor your request
780 unless the court decides that the person designated by you is not
781 appropriate.

782 The conservator appointed for you may be a lawyer, a public official
783 or someone whom you did not know before the appointment. The
784 conservator will be required to make regular reports to the court about
785 you. The conservator may charge you a fee, under the supervision of
786 the court, for being your conservator."

787 (c) Notice to all other persons required by this section shall only be
788 required to state that involuntary representation is sought, the nature
789 of the involuntary representation sought, the legal consequences of the
790 involuntary representation and the date, time and place of the hearing
791 on the application for involuntary representation.

792 (d) If the respondent is unable to request or obtain an attorney for
793 any reason, the court shall appoint an attorney to represent the
794 respondent in any proceeding under this title involving the
795 respondent. If the respondent is unable to pay for the services of such
796 attorney, the reasonable compensation for such attorney shall be
797 established by, and paid from funds appropriated to, the Judicial
798 Department, except that if funds have not been included in the budget
799 of the Judicial Department for such purposes, such compensation shall
800 be established by the Probate Court Administrator and paid from the
801 Probate Court Administration Fund.

802 (e) If the respondent notifies the court in any manner that the
803 respondent wants to attend the hearing on the application but is
804 unable to do so, the court shall schedule the hearing on the application
805 at a place that would facilitate attendance by the respondent.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	New section
Sec. 2	<i>October 1, 2011</i>	New section
Sec. 3	<i>October 1, 2011</i>	New section
Sec. 4	<i>October 1, 2011</i>	New section
Sec. 5	<i>October 1, 2011</i>	New section
Sec. 6	<i>October 1, 2011</i>	New section
Sec. 7	<i>October 1, 2011</i>	New section
Sec. 8	<i>October 1, 2011</i>	New section
Sec. 9	<i>October 1, 2011</i>	New section
Sec. 10	<i>October 1, 2011</i>	New section
Sec. 11	<i>October 1, 2011</i>	New section
Sec. 12	<i>October 1, 2011</i>	New section
Sec. 13	<i>October 1, 2011</i>	New section
Sec. 14	<i>October 1, 2011</i>	New section
Sec. 15	<i>October 1, 2011</i>	New section
Sec. 16	<i>October 1, 2011</i>	New section
Sec. 17	<i>October 1, 2011</i>	New section
Sec. 18	<i>October 1, 2011</i>	New section
Sec. 19	<i>October 1, 2011</i>	New section
Sec. 20	<i>October 1, 2011</i>	New section
Sec. 21	<i>October 1, 2011</i>	New section
Sec. 22	<i>October 1, 2011</i>	New section
Sec. 23	<i>October 1, 2011</i>	New section
Sec. 24	<i>October 1, 2011</i>	45a-644
Sec. 25	<i>October 1, 2011</i>	45a-648
Sec. 26	<i>October 1, 2011</i>	45a-649

Statement of Purpose:

To adopt the Connecticut Uniform Adult Protective Proceedings Jurisdiction Act.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]